IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

Writ Petition No. 9329 of 2005
with
Civil Application No. 380 of 2006

Marleshwar Swapnapurti Coop.
Housing Society Ltd. ..Petitioners

vs.

1. Asstt.Registrar
Coop.Societies and ors. ..Respondents

Shri S.A.Pawar for petitioners
Shri A.P.Vanarase, A.G.P. for respondent nos.1, 4 and 5.

CORAM: S.B.MHASE J.
17th March, 2006

P.C.

1. Perused the order passed under sec.78 and the revisional order. No interference is called for. However, it is to be noted that the first order of appointing the Administrator under sec.78 was passed on 19th April, 2004 for a period of six months and it was further extended for a period of 3 months.

2. Under Section 78 the Registrar has power to appoint the Administrator for a period of 9 months only in view of provisions of section 78(1)(a)(ii) and within this period the Registrar is under obligation to constitute the new committee by holding elections. The

Registrar has, however, failed to discharge the said obligation and has failed to constitute the new committee. Shri Vanarase, the learned A.G.P. appearing for the State states that the Registrar will hold the elections in accordance with law within a period of 3 months from today. Therefore, the petition is not entertained. The Registrar and the Administrator appointed by the Registrar are hereby directed to hold elections of Marleshwar Swapnapurti Cooperative Housing Society within a period of 3 months from today and constitute the new committee. After constituting the new Committee the Administrator shall hand over the charge to the newly constituted committee.

4. Petition is disposed of as above.

5. In view of disposal of the petition nothing survives in the civil application the same is, therefore, rejected.

(S.B.MHASE J.)